PENNSYLVANIA LEGISLATURE.

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[Reported for the Pennsylvania Reporter.]

MR. HEMPHILL'S REMARKS.

We give to-day, (January 31,) a sketch of the remarks made by Mr. Hemphill, on his amendment to insert "Columbia," in the York and Maryland line rail-road bill, in committee of the whole, in the House of Representatives.

Mr. HEMPHILL said—He had read a good deal in books on political economy, and yet had found it difficult to understand the business operations of a society of people. Among the prominent interests, in a large country, he considered the landed as pre-eminent; and that whatever was best for the owners of the soil, was alike calculated to promote the prosperity of the whole. It is their interest to encourage, among themselves, every class of industry—and it leads directly to commerce and manufactures. The cities, on the sea board, act exclusively between the country and foreign nations: they are consumers, and the final disposers of such country productions as the people have to spare: they give, in return, money or what else is wanted, either foreign or domestic. A city increases with the annual business which the country sends to it to transact. The objects of commerce, or materials for manufactures, do not grow in the streets; and where there is no important carrying trade, it is the prosperity of the land, the enterprise and activity of country industry, that gives rise to large and flourishing cities. Nothing can be more intimately connected, than the interests existing between the country and the towns; and instead of jealousies, the most cordial relations ought to subsist and be constantly cherished. There is one light, however, in which the people of the interior of the state will perceive that they are interested in the growth and prosperity of Philadelphia, for which an exact equivalent is not given by them. That city trades considerably beyond the borders of the state—with Delaware and parts of Maryland, and, through the Dismal Swamp canal, with Virginia and N. Carolina. Jersey is only separated by a river: the intercourse with New-York is extensive and profitable: and the trade with the rising country in the West, beyond Pittsburg, is great and increasing. The city, too, carries on a great coasting trade with New Orleans and New England; and although the carrying trade is not to be compared to what it was

in the best days of our commercial prosperity, still, circuitous voyages are advantageously made. Besides, the agreeableness of the place, the sincerity of the citizens, and their plain manners and hospitality, invite strangers of fortune and men of literature to come there to reside. The wealth acquired by all these means is mingled with the rest: it aids to raise money for the state when it stands in need of it, to increase the consumption of country produce, and it is taxed for the general benefit, notwithstanding the main pillar of support is from the interior of the state.

I will now attend (said Mr. H.) to the remarks of the gentleman from Westmoreland, (Mr. Findlay,) which he made yesterday. It was not till then that he had intended to take a part in the debate, and had taken no notes of any thing that had fallen from other gentlemen. I am pleased to witness his talents and style of speaking, yet there were points in his unpremeditated observations, to which I cannot yield assent. I understood him in substance to say, (said Mr. Hemphill,) that our great debt, which will soon rise to sixteen or seventeen millions of dollars, was brought about by Philadelphia; and that our grand scheme was for the advantage of that metropolis. This is very different from the opinion I had entertained on the subject of internal improvements: they are for the advantages of the farmer—for the benefit of every class of people, who have any thing to bring to market. The public wealth rapidly accumulates under their influence, and the city participates in the general good.

The opinion of the country gentlemen is known from their acts: they would not lavish their money if not interested. They assisted to construct the first turnpike road in the United States, and have since had a great part in making turnpike roads to the amount of twenty-five hundred miles. Since 1791, about twenty-five millions of dollars have been expended; during which period the community prospered beyond all former times; and experience has now taught us, that these improvements are not to be compared in utility to the new system.—Let us look at the period in which our present plan of public works commenced: Maryland, a state of great enterprise, and whose public spirit is worthy of imitation, was devising a better avenue to the west, and, to effect this object, is now engaged in one of the grandest projects in the Union—New York had her Erie canal finished, which was designed to draw the Western trade through the Lakes—Ohio had begun her state canal, which would give to a great portion of her trade a lake direction.

At this crisis, would it have been wise in Pennsylvania to remain with folded arms, and be contented with the expensive and slow pace of wagon transportation, by which her trade would be so materially diverted? The people, ever awake to their own true interests, thought differently, and so declared their opinion at Harrisburg, which has been followed by each succeeding Legislature: they had before them in the beginning the origin, progress and cost of the great Erie canal. Improvements, judiciously effected, cannot be too highly appreciated; and in no state will they be more useful than in Pennsylvania, where

our agricultural productions are so abundant, where iron and coal form so great a part of our riches, and where we are so extensively engaged in manufacturing establishments. They diffuse a general benefit.

The landlords near London originally opposed turnpike roads, believing that the facilities of bringing produce from a distance would lower their rents; but they soon discovered their mistake, and rents rose. The circumstances of increasing the trade to a city, causes its enlargement; factories multiply, and the population augments, which sustains the prices in the neighboring districts. England remained a long time before she was awakened on the subject of internal improvements: it was a hundred years after the canal of Languedock, and after many canal improvements had been made in Holland, when she began—but, as soon as the people saw the advantages, they persevered in the cause, and the country is now the most finely improved of any in the world.

As to the policy of borrowing, to effect public works, the states of New York and Ohio have preceded us. These debts are of a peculiar character; and eveu if they should descend to posterity, they will be accompanied with the valuable performance of their ancestors, and, if the interest is kept down, there is no sacred obligation for their total discharge.

It is true, that the exact success of our canals and rail-roads is not within the reach of human intellect; yet, even as to the discharge of the debt by their own operations, the prospects are fair and reasonable, whether we look to similar works in Europe or America. The New York works, being in the same course of trade, are the fittest for our example. They commenced in 1817, and were finished in about eight or nine years. The Erie canal is 363 miles in length; the Champlain, 63; the Oswego, 38, and the Cayuga and Seneca, 20, with feeders of 8 miles—making 492 miles; the cost of the whole being ten millions nine hundred and forty-six thousand four hundred and forty-three dollars. The revenue received for tolls at first was trivial; the second year it was forty-four thousand four hundred and thirty-six dollars; the present year, according to the governor's message, it amounts to one million two hundred and twenty-two thousand four hundred and twenty-three dollars, leaving a considerable sum towards the extinguishment of the original debt; and the State is now prosecuting the Chemung and Crooked Lake canals. The individuals engaged in transportation on our Pennsylvania canal the last summer, say, that one hundred thousand dollars would have been received the first year, notwithstanding the obstacles of the Allegheny mountains, if the misfortune had not happened on the Western division. For his own part, (said Mr. H.) he made no flattering statement of results; that is left to those more capable of judging. The profits of the Pennsylvania works will depend much on improvements beyond, and intersections with them from different directions. The North Branch division will, at no distant day, be extended to the New York line, and receive trade from their canals and lakes. The extension to the harbor of Erie was in the original plan; and the consent of the Le-

gislature of Ohio to form a connexion with the Ohio canal has since been given. These improvements will arrest the trade in Michigan, and the adjacent regions, from the St. Lawrence—to which direction there are inducements, as grain ground in Canada can be carried from thence in British vessels as colonial produce. They will afford to the city of Pittsburg avenues for the abundant stores of her manufactures, coal and salt. He wished (said Mr. H.) success to this western city, as he presumed did every Philadelphian, without calculating nicely whether it is to their benefit or not. It will add to the wealth, importance and grandeur of the state. Between the great states of New York and Pennsylvania a generous emulation is to be expected, and it will prejudice neither. The spacious harbor of New York, secured as it is from the impediments of the winter season, gives to her in this respect superior advantages: while, under the canal system, the openings in Pennsylvania to the western trade remaining longer than in New York in the autumn, and commencing earlier in the spring, are equally beneficial to us.

Among states it is not illiberal for each to endeavor to attract trade to itself; still no unreasonable obstacles should be thrown in each other's way. A question however arises, where portions of our own citizens, living near the borders of the state, and not within a reasonable distance of our improvements, and who have a good market over the line in an adjoining state—are they to receive no countenance, not even by incorporating companies to facilitate their conveniences? Shall the small incidental advantages to a sister state form any barrier? This would be a policy, I think, too narrow for the liberal and exalted character of Pennsylvania. Citizens so situated, by the aid of fine roads, would raise more and bring richer returns back to the state. The object is to benefit our own citizens; and on such applications, the inquiry ought to be, Does the interests of our own citizens justify the measure? or will it work a greater evil by its interference with the state improvements? In relation to the present bill, the Governor thinks not, and perhaps a majority of the house, who are as much interested in the tolls as any of us, agree with him. Still, I differ from them, (said Mr. H.) particularly as the bill now stands; for I think it would necessarily divert trade to Baltimore which now comes to Philadelphia, not only from the county of York, but some of the western trade on its way to Philadelphia.

If our improvements answer our expectations, the Philadelphia trade to the west, in and beyond the state, will be carried on through the Pennsylvania canal. Then this road from York to Baltimore would not affect us so much; still, I would not vote for it, unless a rail-road from Columbia to York is to be first made. Several gentlemen opposed to the bill, have said that this connexion would make it satisfactory, and to this opinion I am inclined.

The act of the 25th of March, 1828, enjoins on the canal commissioners to locate, upon the most eligible route, a rail-road from the city of Philadelphia, through the city of Lancaster, to Columbia, on the Susquehanna, and from thence to the west end of the borough of

York. No appropriation has been made for the part west of Columbia, and he (Mr. H.) presumed would not be soon, as the public debt is so large. He thought it had now beeome the interest of the state to prosecute improvements by incorporated eompanies, wherever it can be done. We have already on our hands six hundred and ninety-three miles of eanal and rail-roads;—eompanies watch their own interest—the works are made eheaper, and, he believed, generally speaking, better. There was expended the last year, the sum of $353,639 58 for repairs; from this, it would strike every one that something had been wrong. The eanal eommissioners eharge the extraordinary part to incompetency, and trace the evil to the aet of the 16th of April, 1827, limiting the pay of engineers. It is to be feared that much has been lost on this score.

When works of great magnitude, requiring the expenditure of millions, are about to be undertaken, the true rule of economy is, to employ those of the best reputation, experience and talents: science must have its place and receive its reward, or we can never form a perfect whole.

In England, the government has not embarked in publie works, except in the Caledonia eanal, and one or two instances in Ireland. The wealthy individuals, to employ their eapital, effected the English improvements. In France and Italy, the highways are prineipally under the care of the governments. To aceomplish our new system, perhaps both modes are necessary and beneficial.

As to the effeets of a rail-road from Philadelphia, by York, to Baltimore, let it be remembered, in the first place, that the part from Columbia to Baltimore cannot be made in less than three years, at which period the Pennsylvania eanal and rail-road from Columbia to Philadelphia will be completed and in full operation; and the wagons that now cover the roads, will be greatly diminished; and the produce will then be principally transported on the eanals—some of which will pass through the Union canal, and the rest will go to Columbia, and from thence to Philadelphia.

The distance from Philadelphia to Columbia is about seventy-three miles, and from Columbia to Baltimore sixty-two miles, on the turnpike roads; still there is but little trade carried on from about Columbia, in wagons, to Baltimore.

The trade from Philadelphia to the west, passes prineipally through York. From York to Baltimore, on the turnpike, it is about fifty miles, and from the same place to Philadelphia it is eighty-five miles —the difference in distance is thirty-five miles, nearly two days' journey, with the expenses of toll, five horses and a driver; and yet of the many wagons that eome to York from the westward, I am well informed, that not one out of fifty goes to Baltimore. Large quantities of goods are brought from Philadelphia in return wagons, owned principally in Lancaster eounty, and they are met in York by the western wagons. Much of the produce in York eounty is earried to Baltimore, and after a supply of groceries, the rest of the proceeds is taken to Philadelphia and laid out in the purchase of dry goods. On

a rail-road, this business could be performed sooner and cheaper by directly going to Philadelphia and back. The rail-road from Baltimore to York, by a recent survey, owing to the undulated nature of the country, will be seventy miles; from York to Columbia fourteen miles—and the eighty-one miles on the rail-road from Columbia to Philadelphia, makes ninety-five miles from York to Philadelphia.—Columbia, by the rail-road, will be nearer to Philadelphia than to Baltimore, and York will be twenty-five miles nearer to Baltimore than to Philadelphia. This is a distance that can be travelled on a rail-road in three hours, and certainly will form no hindrance to a favorite market; and much of the produce of York county, which is now sent to Baltimore, will very probably be diverted to Philadelphia. The travelling of passengers would increase the tolls, and bring money to Philadelphia: it would be a thronged thoroughfare, and many for business, and many for pleasure, would travelon it, from the north and from the south—and on the whole, considering the accumulation of business and travelling to be created by it, he thought that it would be beneficial to Philadelphia, Lancaster, Columbia, York and Baltimore.

The delegates from the Baltimore and York turnpike company, the Conewago canal and York Haven company, speaking on a subject very different from a connexion between Philadelphia and Baltimore by a rail-road, in effect said, that, at a small expense, they could reap the greatest benefit from the millions we had expended in Pennsylvania on internal improvements. The desire which may have influenced them to cause an excitement at home, he (Mr. H.) would pass over, as it was a fact that at that time, in 1827, they did not foresee that the canal from Swatara to Columbia, and the rail-road from there to Philadelphia, were to be made, to cut off their prospects.

In 1823, commissioners from Baltimore explored the Susquehanna, "penetrated into the state of New York, examined the canals, conversed with Gov. Clinton," and returned and made a very sensible report, containing much interesting matter, but, he thought, a little boasting; for, from reading it, one would imagine that all this part of the world was going to Baltimore.

The zeal of the Baltimoreans is praiseworthy. We acted on the same principle; and as early as 1817, in Gov. Snyder's administration, commissioners were sent from this state to make explorations, in order to connect by a canal the Seneca lake with the Tioga river, in the state of New York; and in their report they extended their views to Lake Ontario, to complete a chain of navigation to the Susquehanna, and join the waters of the St. Lawrence with the Chesapeake Bay.

The Susquehanna is declared a highway for ever, and a part of the trade will always go to Baltimore. The navigation of this noble river ought, at some time, to be improved. Philadelphia will receive her ample share of the trade, through the Chesapeake and Delaware canal; and through this channel, also, we shall enjoy more benefit from the Maryland improvements, than they will from our public works. The iron, grain and lumber, from this state, which are actually intended to be consumed in Baltimore, will go there in the cheapest di-

rection: we cannot expect that they will be carried a hundred miles round. The states will, more or less, participate in the advantages of each other's improvements;—we would be benefited by improvements in the Western States. He was glad that the governor noticed, again, the propriety of federal improvements on national objects.

He said he would encourage improvements in Jersey; and when the Chesapeake and Delaware canal was constructing, some were for stopping the communication at Philadelphia—but this was not his opinion. He was in favor of the Delaware and Raritan canal: the more avenues the better: and he did not care with what city Philadelphia is connected by a good rail-road—she is able to contend with any of them. The cities and interior of the state have reason to congratulate each other on beholding their common domain. It combines the advantages of the East and the West: it contains the best of valleys and plains for agricultural pursuits: its streams are abundant and vary in size for all the purposes of transportation, artificial improvements and water powers: its marble quarries are capacious and excellent, and its capacity for manufacturing salt will more than equal our own consumption. In districts where the ground on the face is sterile, the bowels underneath are rich with iron ore or coal; and much of the declivities of mountains, will ultimately be adapted to the pasturage of flocks. It may well be asked, Where could Penn, in any part of our extensive federal empire, have located an equal extent of territory, abounding with so many intrinsic advantages?

In order to try the sense of the committee on the amendment alluded to, he moved to insert the word "Columbia."

RESOLUTION

RELATIVE TO THE AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

Resolved, By the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That our Senators in Congress be instructed, and our Representatives requested, to use their best endeavors to prevail on Congress to propose to the several states the following as an amendment of the constitution of the United States:—

"Article XIII. That no State or Territory, after the twenty-second day of February, one thousand eight hundred and thirty-seven, shall have power to raise money or to authorize the same to be raised by

way of lottery, and that no such power thereafter shall exist in the Congress of the United States."

And be it further resolved, by the authority aforesaid, That the Governor of Pennsylvania be requested to transmit a copy of the above to the President of the United States, to be laid before Congress; and copies to the Executives of the States, to be laid before their respective Legislatures; and one copy to each of our Senators and Representatives in Congress.

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[*From the Pennsylvania Reporter, March* 20, 1832.

REMARKS OF MR. HEMPHILL,

On the resolution offered by him, (on the 13th March, 1832,) proposing an amendment of the Constitution of the United States, on the subject of Lotteries.

Mr. Hemphill said—That he was so heartily disposed to effect an entire abolition of lotteries, not only in Pennsylvania, but throughout the Union, that he had come to a resolution which he had never anticipated or in the least suspected—he said, the subject had grown so serious, and its consequences were so pernicious to the morals of society, that the representatives of the people were in a manner demanded to do all in their power to eradicate the evil. The very sight of lottery signs, he said, had become odious: we can scarcely pass a lottery office without seeing the unfortunate adventurers, who are principally of the poorer classes of society, going in or out. If we travel through any town or village, no matter in what direction, the same spectacle is every where exhibited.

The passion for this species of gambling is widely spread and increasing. It is a practice, he said, whether considered in the light of revenue or in its effects on the morals of the people, that is impolitic and destructive. The charms and false hopes of gain set forth in the splendid schemes, relaxed the minds of thousands from their useful habits of industry. It destroys much of the happiness of the poor: as their expectations are not realized, a depression of spirits follows, and, to relieve themselves, they again and again visit the deceiving temple of fortune, until their industrious habits are completely impaired, their little earnings lost, and their debts left unpaid. It often leads to abject pauperism, misery, and crime. As a source of revenue, it is the worst that can be imagined: the raising of money at the expense of the morals of the people, is wrong in itself, and besides, it diminishes industry, which is the real fountain of all revenue. If we consider the subject merely as a money concern, it is altogether unequal and unjust. From the twenty-one millions of dollars contained in the lottery schemes since 1811, not more than between six or seven hundred thousand dollars can be considered as revenue; a part, under the

name of prizes, has gone to a very few, and the rest, with the exception of the unsold tickets, has left the pockets of the people, never to return.

If such a sum, in this partial manner, had been exacted by taxation and force, insurrections and bloodshed would have been the consequences. It is nothing but delusion and the most artful seducements, which could have so far bewildered the minds of the people; and it is our duty to rescue them from such temptations, and to rally the energies of the mind and body for the performance of all the beneficial avocations of life: it is a high sense of virtue and justice, which is the strongest guarantee for industry, and the security of independence.

I have lately read (said Mr. H.) an interesting debate which took place in 1819, in the British parliament, on the subject of lotteries; and as the effects of lotteries must be very much the same every where, the remarks then made will, in no small degree, apply here. I will be allowed, said he, to bring the most prominent parts of them to the notice of this house. The debate arose on the motion of Mr. Lyttleton, and there were engaged in it the mover, the chancellor of the exchequer, Mr. Buxton, Mr. Wilberforce, Mr. Canning, Mr. Tierney, Lord Castlereagh, and several other members.

The subject, he supposed, had before that time been frequently under discussion, as Mr. Lyttleton, in the commencement of his speech, observed, that he expected to be blamed for agitating a question which had been so often decided, that it might be as well if it were for ever abandoned.

The chancellor of the exchequer, it seems, had said, on a previous occasion, that there was always afloat a given quantity of rank and detestable vice in society, and that he had a right as a financier to turn it to the best account—that there was a spirit of gambling in the community that he could not extirpate; and if he derived a profit from it, he ought to receive the thanks and not the censure of the nation. To this it was replied, that the doctrine that private vices were public benefits had long been exploded; and that the villanous artifices which were resorted to, in order to provoke and excite the vicious spirit of gambling, ought not to be tolerated.

It appears that the government raised about three hundred thousand pounds sterling by the lotteries; and it was asked, Where will be the substitute for the revenue, if the lotteries are *to* be *put* down? To this it was answered: Reduce the army, or raise money in any way, rather than to continue the moral guilt of the system. The antiquity of the practice was resorted to, and some said it had been in existence from the revolution. To this it was replied, that the sin of the slave trade was of an old standing, and yet that England was taking the lead to abolish it—but that in lotteries, all that was base in the practice of private gambling was recognized and adopted by the state. Some of the remarks were perhaps too severe, at any rate they would be so for this country, as our managers of lotteries have been among the most respectable of our citizens. The mover said, that the other

day he had gone down to Cooper's Hall, the place where the rascally transaction of the lottery was carrying on; and having, with some difficulty, obtained admission, he saw, across a board which was placed to exelude strangers, several grave persons; (for rogues were apt to look grave, especially in the presence of their dupes,) seated in the most dignified manner, and near them two boys, in the garb of Christ's Hospital, drawing the tickets from the wheel. This was to induce the people to believe that the lottery had the sanction of sueh virtuous and intelligent individuals as the governor of Christ's Hospital.

The speakers painted the deceptive praetices which were employed to sell the tickets and raise the prices. Alphabetieal lists were spread through the country, of the villages and places to which prizes had fallen, or, to use the language of the newspapers, to whieh the goddess of fortune was most propitious. This created a ruinous superstition on the ignorant portion of the population.

It was often promised to pay the winners of eertain prizes in wine; that being rare, on account of the duties, was an additional temptation —and a Jew in a corner, it was said, would give a good premium for it over and above its legal price; so that wine and gold were the baits used to catch the people.

The misnaming of prizes, too, was said to be a fraud on the people —that was called a prize by which a man only lost half his money— and it was observed, that whoever said that a man who having paid twenty pounds for his ticket, and received at the lottery office ten pounds, had got a prize, told a lie, and whoever believed it was an arrant fool.

Instances were named of the fatal effects which followed the drawing of a prize by a single individual, in small towns and villages, as it encouraged others to adventure to their disappointment and ruin. A village called the Bidewell, had had the misfortune to be visited by a golden shower; after which the spirit of gambling raged to such a height, as to eompletely destroy the habits of the people.

At Sheffield, the evil had become so great, that one virtuous editor would not put the puffs in his journal, by which he sustained a heavy loss.

In one village, a benefit society for the support of the sick and aged, had been established, where they paid their contributions cheerfully, lest any misfortune might bring them to the degradation of beeoming chargeable to the parish; but in another town, only a few miles distant, an association of a very different kind had been formed for the porpose of speculating in lotteries. By that association a prize was gained of two or three theusand pounds. No sooner was the news heard in the first village, than the benefit society fell into disrepute, and a lottery club was established, in which the old and the young eagerly subscribed.

The member said, that fifteen years had passed, during which time he had heard nothing of either establishment; but, with a view to the question then before the house, he had lately taken pains to inquire

into their fate, and had found that the lottery associations had failed, and in their fall had drawn down the benefit society—that most useful establishment, which, with a wise foreknowledge, was to provide for the decrepitude of age out of the earnings of youth and industry. It had failed, and many of the members were then suing for relief from the parish. Another member said, that the wife of a servant of his, an industrious man, who earned at his employment two guineas a week, had carried her conviction of the efficacy of the insurances and the certainty of her obtaining a prize so far, that she completely ruined him, and he died, amidst want and wretchedness, of a broken heart.

Mr. H. said, that he would advert for a moment to the concluding part of one gentleman's speech, the object of which was to show that it was the lowest class of persons who were the principal dupes and sufferers in lotteries. A single ticket would be purchased by a club of twenty or thirty persons. In the poorest part of London, the poor actually subscribed, to buy a ticket, by instalments of from one half penny to sixpence each: the ticket was procured, and disappointed them all by coming out a blank. The member said, that an experienced banker had informed him, that he had never known a fraud among his clerks, without finding that the parties had had some previous concern in lotteries; and he then went on to say, that of the thousands and tens of thousands of instances wherein the tradesman had defrauded his creditors, the servant robbed his master, and the clerk embezzled the property of his employer, the greater number had been the results of the delusion held out by government for financial expedients, altogether unworthy of a great nation.

Mr. H. said, that four or five years after the debate, lotteries were entirely abolished in the kingdom of England. But their abolition in Pennsylvania, he said, will be no more than a partial remedy, while lotteries are tolerated in the surrounding states. The sale of lottery tickets not authorized by the state, has been inhibited ever since the year 1762, yet they were sold almost in as great quantities as if the laws had never been passed. It is true, that after the abolition here, these laws will not be so easily evaded, and the lottery signs will disappear. Still a thousand artifices will be resorted to—pocket brokers will vend them every where, as soon as the watchfulness to enforce the laws shall become a little relaxed. While we are about it, our aim should be, to uproot and extirpate, for ever, the moral evil from the face of the whole country. The slave trade was never more pernicious in its consequences on society—and to purify the American atmosphere from the baneful effects of this justly condemned practice, there is but one radical remedy, and that is, by an amendment to the Constitution of the United States, inhibiting in Congress and the several States the power of raising money by way of lottery. He had said, and fully believed it at the time, that he never would vote for an amendment to the federal constitution, except to limit the Presidency to one term, and to prevent the election from going to the House of Representatives: he wished the Constitution to descend to posterity

as an American FAMILY PIECE, to be venerated and admired by them for its original appearance: but the amendment he proposed, being in the pursuit of a great moral good, can be no tarnish on that most valuable and celebrated performance of our ancestors, and his mind became prepared to offer it. It is as follows:

"*Resolved*, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the following article be proposed as an amendment to the Constitution of the United States:

"Article XIII. That no State or Territory, after the twenty-second of February, 1837, shall have power to raise money, or to authorize the same to be raised, by way of a lottery; and that no such power thereafter shall exist in the Congress of the United States."

It will be observed, that no state rights are transferred to be exercised by congress: it is merely the extinction of the power to raise money by lottery in the general and state governments and the territories.

Prior to 1808, the slave trade could be carried on. After that date the constitution invested congress with a discretion over the subject, which has been exercised on the principles of humanity, and the trade prohibited.

The amendment is a complete annihilation of power in the governments, and the reservation of it to the people, who, in pursuance of the constitution, can at any time reinstate it. It is similar to the provision of the constitution which prohibits congress and the states from granting titles of nobility.

Mr. H. then remarked, that he simply proposed the amendment; for, as yet having not had time or opportunities to gain sufficiently the confidence of the members, he feared it might appear rash in him to press on the discussion of a subject of such high magnitude. If it is worthy of notice, others will patronize and pursue it. If, therefore, there is any indisposition to act upon it at this moment, or if there should be any likelihood of its being lost, he hoped to be indulged to lay it on the table; for he did not wish to see it rejected, as he felt a confidence that if it did not pass now, that at some other day, and by some other legislature, such a proposition would be cherished and adopted.

From the Pennsylvania Reporter, March 30, 1832.

REMARKS OF MR. HEMPHILL,

On his resolution proposing to amend the Constitution of the United States on the subject of lotterics, made by him, on Monday last, in the House of Representatives.

Mr. HEMPHILL said, he hoped to be indulged to occupy the time of the House for a few minutes: he should not have risen to trespass again on its patience, had it not been for the remarks which fell from the gentleman from Allegheny (Mr. Stewart) the other day. He understood him to be in favor of a general abolition of lotteries, and only wanted a little time to examine the proposed amendment of the constitution. He (Mr. H.) said, he would call the attention of the house to that part of the constitution which is restrictive on other states. In the tenth section of the first article of the constitution, he said, there were fourteen instances in which the states were restrained from the exercise of political power. He would, however, only bring to the view of the house four of them. No state shall pass any bill of attainder. This was the height of tyranny, and practised in the worst times of the British history: great and virtuous politicians were condemned by parliament, and executed, without a trial by jury. For this power we had no relish, and no desire to retain it, although it might be exercised or not, according to the will of the states. No state shall make an ex post facto law; that is, no law shall inflict a punishment on an act done previous to its passage, and which was innocent at the time. This would be cruel and unjust; and the states voluntarily relinquished such a power. No state shall pass a law impairing the obligation of contracts. This would be iniquitous legislation—and the states parted with the power. No state shall grant any title of nobility. This being a power which was not congenial with the spirit of our republican institutions, there could be no temptation for retaining it to the states; and even congress is restrained from its exercise. If the proposed amendment should become a part of the constitution, the supreme law of the land will deny, to congress and the states, the right of raising money by way of lottery. Can any good reason be assigned for retaining the power? Is it a wholesome object of legislation, or is it baneful to the morals and happiness of the people? This house has put its stamp of condemnation upon it, and, by a solemn act of legislation, has said that it is full of evil. It has imposed high penalties, and the deprivation of the sacred right of liberty, for any infraction of the law. If it should be said that the states within themselves can destroy lotteries—the answer is, that the same remark, with equal force, could have been applied to a bill of attainder, an ex post facto law, a law impairing the obligation of contracts, or to the right of granting titles of nobility. Unless there is a constitutional inhibition, there never will be any uniformity on this subject. While lotteries are tolerated in the surrounding states, tickets will be

purchased in great numbers, in defiance of all the laws you can make: there is not a day in the year, but there are hundreds of Pennsylvanians in the neighboring states, where tickets can be lawfully bought. It will be a drain of money from this state to a considerable amount. If Pennsylvania should take a lead on this subject, it will greatly elevate her character. There can be no harm in it: its object is to promote a universal good. The English government, which we sometimes take the liberty of calling corrupt, has abolished lotteries, on the soundest principles of policy and morality. If any mistaken zeal should lead us into some error, still there will be no harm in it: the constitution cannot be amended by any surprise. The process is slow and deliberate. Two-thirds of both houses of congress must propose the amendment; which is afterwards to be ratified by three-fourths of all the states. Mr. H. said, that he would here leave the subject, with an ardent wish that the proposition may succeed.

The resolution of Mr. Hemphill was carried almost unanimously in the lower house, but was not reached in the Senate.

From the Pennsylvania Reporter, April 3, 1832.

MR. HEMPHILL'S REMARKS

On the Improvement bill, upon the following amendment, offered by Mr. M'Culloh, viz:—"That but one superintendent and one engineer should be employed on each division, and no new work should be done further than was necessary to preserve the work already done."

Mr. Hemphill said, he would in a few words explain his course concerning the improvements of the state. He came here impressed with the propriety of finishing the works authorized last winter, and to undertake no new extensions for the present year: this, he said, was the opinion of all whom he had conversed with on the subject.

The general bill, he said, was reported by him merely as chairman of the committee: it contained extensions which were against his judgment, and it was not his own bill.

The amendment offered by the gentleman from the county, (Mr. Heston,) was not against his own wishes: he saw it and approved of it, as he was in favor of the specific appropriations, and because it embraced the branches and the work authorized by the act of the last session.

For this amendment he had voted uniformly, and for the principles contained in it, in every shape and form in which they had been presented to the house.

In the progress of this amendment, he said, the branches had been thrown off in both houses; but the speakers who were friendly to the improvements of the state, disclaimed the idea of abandoning the branches, and said, they only desired for the present to direct all the forces of the state to the main line, so as not to have too much work on hand at one time. This was the only reason, he said, which appeared to him to have any weight; but still he considered the argument as insufficient, even for a temporary desertion of the branches. Money could be obtained now on as good terms as at any future period; and the members who are the best acquainted with the branches said that there would be no difficulty in procuring workmen.

He said that the bill now under discussion had made its appearance in the house through a spirit of conciliation. The branches had claimed much more, and he thought they were entitled to the whole, with the exception of the extensions; but they had been cut off entirely, after a great deal of work had been performed on the several divisions. He said he would not take time now to advert to the work done on each division; but, on the Wyoming line, the sections which pass through the improved farms were nearly completed; on fourteen sections, seven-eighths of the work is estimated to be finished, and the remaining eleven sections are nearly half done.

As to the contracts, although they are not technically binding, after the funds of the last year had been exhausted, still, plain sense would say that the contractors had not the slightest reason to apprehend that new funds would not be provided for the next year—and they made their preparations accordingly. The canal commissioners considered it in the same light; and in their report have said that these works are under contract. Nothing further is wanted but funds: no new contracts are necessary.

In this state of things, the members most connected with the branches felt a little mortified that they had voted last year for the tax bill, and have to bear an equal portion of its burdens: they fancied that they were not quite fairly treated. Changes of opinion took place on the subject, and were expressed on this floor—a feeling was excited—and this bill is the amicable result of these sensations: it is a legislative expression that the branches are not to be abandoned, and the sum, although small, will prevent injury to the works, and enable the canal commissioners to advance slowly in their prosecution.

He said, that he considered it of the first importance that the original and extensive plan of our improvements should be adhered to, and that the work on the Wyoming and Western divisions should, in a seasonable time, be extended to the New York line and to Lake Erie; and that, in addition to what was contemplated at first, a connexion should be formed with the Ohio State canal. Yet, at the same time he observed, that our principal force at present ought to be applied to the main line: and he hoped that we might preserve our patience until it is completed, and until we see how it answers our expectations, before we embark in extensions.

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